

Filed for intro on 02/15/2001  
HOUSE BILL 1821 By  
Miller L

SENATE BILL 1851  
By Dixon

AN ACT to amend Tennessee Code Annotated, Title 62, Chapter 5, relative to the disposal of dead human bodies.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 62, Chapter 5, is amended by adding Sections 2 through 4 as a new part thereto.

SECTION 2.

(a) The duty of burying the body of or providing other funeral and disposition arrangements for a person devolves in the following order:

(1) The executor or executrix named in the last will and testament of the deceased person;

(2) The named entity where the deceased has executed a declaration of right of burial or other writing, requesting certain rites or ceremonies;

(3) If the deceased person was married, upon the surviving spouse;

(4) If the deceased person was a minor, on the parents;

(5) If the deceased person has no surviving spouse, on the adult children of the deceased person; or

(6) If none of the persons in subdivisions (1) through (4) are financially capable of providing for the burial or other funeral and disposition arrangements, or cannot be located on reasonable inquiry, on any person or fraternal, charitable or religious organization willing to assume responsibility.

(b) A person upon whom the duty of burial is imposed who omits to perform such duty within a reasonable time is liable to the person performing such duty in an amount twice the expenses the person incurred in disposing and burying the body, which amount may be recovered in a civil action.

(c) A person, corporation, or governmental entity that provides for the burial or other funeral and disposition arrangements on the instructions of the decedent or upon the instructions of a person described in subsection (a) is immune from civil liability if such person, corporation or governmental entity:

(1) Failed to honor the wishes of the decedent or the wishes of a person with a higher priority in subsection (a) because such person, corporation or governmental entity was not aware, after reasonable inquiry, of the contrary wishes of the decedent or the person with a higher priority; or

(2) Followed the directions of the personal representative that are consistent with the written testamentary instruction of the decedent.

SECTION 3. If a person on whom the duty of burial is imposed pursuant to Section 2 of this act is aware of the decedent's wishes regarding the disposition of the decedent's remains, that person shall comply with those wishes in accordance with the religious and moral beliefs of the decedent, if those wishes do not impose an economic hardship.

SECTION 4. No funeral establishment, crematory, or cemetery that relies in good faith upon the instructions for disposition of a body given by a person pursuant to Section 2 of this act shall be subject to civil liability or disciplinary action for disposition of the remains in accordance with such instructions.

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it.